

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHIRLEY JACKSON,

Plaintiff,

V.

EJB FACILITIES SERVICES, INC. and
JOHNSON CONTROLS/IAP,

Defendants.

Case No. C07-5358RBL

**ORDER RE: MOTION TO COMPEL
AND FOR SANCTIONS**

THIS MATTER comes before the Court on Defendant Johnson Controls/IAP World Services' ("IAP") Motion to Compel Discovery and for Sanctions [Dkt. #27]. The Court has reviewed the materials submitted for and against said motion and does not believe oral argument is necessary to resolve the dispute. For the following reasons, the Court **DENIES** the Motion to Compel as **MOOT** and **GRANTS** the Motion for Sanctions.

IAP severed interrogatories and requests for production on plaintiff on February 29, 2008. Responses were due on April 3, 2008. On April 18, 2008 counsel for IAP sent a letter inquiring about the status of the responses. Plaintiff's counsel promised the responses by April 28, 2008. On May 12, 2008, IAP's attorney called the office of plaintiff's counsel and spoke to the office manager. The office manager promised to have the substantive responses to defendant by 4:00 p.m. that day and responsive documents mailed for delivery the next day. The deadline for discovery motions was May 12.

1 The responsive answers to interrogatories were received 20 minutes after the 4:00 p.m. deadline
2 but the motion to compel had already been filed. The responsive documents were not received until
3 May 27, 2008.

4 Based upon this record the Motion to Compel is **DENIED AS MOOT**. As for sanctions, the
5 Court believes that sanctions have a corrosive effect upon the relationship of opposing lawyers who are,
6 after all, colleagues and fellow officers of the Court. Sanctions are requested altogether too often. There
7 are times, however, when some sanction is required to remind lawyers and litigants of their responsibilities
8 under the Federal Rules of Civil Procedure. This is such an occasion. For the delay caused by
9 plaintiff/plaintiff's counsel's tardy response to discovery requests the Court orders plaintiff/plaintiff counsel
10 to pay defendant IAP the sum of \$500.00

11 **IT IS SO ORDERED.**

12 Dated this 3rd day of June, 2008.

13 
14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE